

FCC MAIL SECTION

Federal Communications Commission

DA 98-101

JAN 27 12 05 PM '98

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations.  
(La Fayette, Georgia)

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MM Docket No. 97-196  
RM-9151

**REPORT AND ORDER**  
(Proceeding Terminated)

Adopted: January 14, 1998

Released: January 23, 1998

By the Chief, Allocations Branch:

1. The Commission has before it the Notice of Proposed Rule Making in this proceeding proposing the deletion of Channel 298A at La Fayette, Georgia. 12 FCC Rcd 13402 (1997). Great South Broadcasting, Inc. ("Great South") and Radix Broadcasting, Inc. ("Radix Broadcasting") filed Comments. Tennessee Instructional Radio ("TIR") filed Comments and Reply Comments. For the reasons discussed below, we delete the Channel 298A allotment at La Fayette, Georgia. In a separate action, we will also dismiss the pending application of Radix Broadcasting for this vacant Channel 298A allotment at La Fayette.

**Background**

2. At the request of TIR, the Notice proposed the deletion of the Channel 298A allotment at La Fayette, Georgia. In support of its underlying Petition for Rule Making, TIR referred to the fact that the Federal Aviation Administration ("FAA") had concluded, at two different proposed transmitter sites, that a proposed facility at La Fayette would cause electromagnetic interference (EMI) to air navigation. In a Supplement to that Petition for Rule Making, TIR submitted an engineering exhibit addressing the issue of EMI interference to a Channel 298A allotment at La Fayette. In that exhibit, TIR delineated the area in which a Channel 298A transmitter site could be located and still comply with the minimum spacing requirements set forth in Section 73.207(b) of the Rules as well as the principal city coverage requirement contained in Section 73.315(a) of the Rules. In that area, TIR evaluated seven different sites using Version 4.211 of the FAA Airspace Analysis Model - the computer program used by the FAA to predict EMI. Even at the minimum permissible Class A effective radiated power of 100 watts, there would be intermediate frequency (IM) interference at each of these sites. In view of the FAA "Zero Tolerance" policy on matters involving safety to air navigation, TIR concluded that there was no reason to believe that the FAA would approve any site for a Channel 298A operation at La Fayette.

3. In response to the Notice, TIR and Radix Broadcasting filed comments in support of the proposed deletion. Radix Broadcasting, sole applicant for the Channel 298A allotment at La Fayette, concedes that this allotment cannot be implemented because of FAA concerns and does not object to its deletion. On the other hand, Great South filed Comments opposing the proposed deletion. In its Comments, Great South contends that there are "several methods" which could be employed by Radix

Broadcasting to meet FAA concerns on air navigation. In support of this contention, Great South first identifies the FAA installations at Rome, Georgia, and Chattanooga, Tennessee, that would potentially be impacted by an operation on Channel 298A at La Fayette. In regard to the FAA installations, Great South refers to the fact that TIR did not discuss the use of a directional or halfwave spaced antenna to reduce radiation toward these installations or consider the feasibility of changing the frequency of one or both of these installations.

4. In its Reply Comments, TIR addresses the Great South Comments. In this regard, TIR included an engineering exhibit analyzing the solutions suggested by Great South using the FAA Airspace Analysis Model at each of the seven potential sites discussed in its original Petition for Rule Making. At each site, the airspace consultant conducted an analysis at the maximum permissible Class A FM effective radiated power of six kilowatts using a 14-bay halfwave spaced antenna with one degree of beam tilt to suppress radiation. The same analysis was undertaken using the minimum permissible Class A FM effective radiated power of 0.1 kilowatts. In both studies, it was determined that there would be interference to the FAA installation at Chattanooga. In regard to the possible use of a directional antenna, the engineering exhibit showed that even suppressing radiation to 0.1 kilowatt toward the Chattanooga FAA installation would still cause interference. Finally, TIR notes that Great South has not identified what frequencies, if any, could be substituted at the impacted FAA installations in order to accommodate a Class A FM operation at La Fayette.

5. On the basis of the record in this proceeding, we are deleting Channel 298A at La Fayette, Georgia. In doing so, we find that there are no fully spaced alternate sites or channels available for La Fayette that would meet FAA approval, and provide city-grade coverage to La Fayette. Had this information been included in the record of the rulemaking proceeding allotting this channel, we would not have allotted this channel to La Fayette. See Sebring and Miami, Florida, 10 FCC Rcd 6577 (1995). At this juncture, the appropriate action is deletion of the channel. Cf. Pinckneyville, Illinois, 41 RR2d 69 (1977). Deletion would make spectrum available for other FM services.<sup>1</sup> There is no public interest benefit in retaining a defective allotment in the FM Table of Allotments that will not provide service to the public.

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective March 9, 1998, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED by deleting Channel 298A at La Fayette, Georgia.<sup>2</sup>

7. IT IS ORDERED, That a copy of this Report and Order be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

Rich Gwyn  
Radix Broadcasting, Inc.

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<sup>1</sup>Interested parties seeking to either improve existing service or provide a new service may file an application or petition for rule making on the effective date of this Report and Order. In this regard, we note that Dogwood Communications, Inc., permittee of the Channel 298A allotment at Roswell, Georgia, will be able to upgrade to a Class C3 allotment.

<sup>2</sup>After the effective date of this Report and Order, the pending application of Radix Broadcasting, Inc. for the Channel 298A allotment at La Fayette, Georgia (File No. BPH-920304) will be dismissed.

Box 746  
La Fayette, Georgia 30728

8. For further information concerning this proceeding, contact Robert Hayne, Mass Media Bureau, (202) 418-2177.

**FEDERAL COMMUNICATIONS COMMISSION**

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau